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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,101	04/01/2004	Winifred Dahm	66274-0001	9469

10291 7590 02/23/2006

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EXAMINER
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CHAMBERS, MICHAEL S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/816,101

Applicant(s)

DAHM ET AL.

Examiner

Mike Chambers

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,16-18,32 and 33 is/are allowed.
- 6) ☒ Claim(s) 1,6-13 and 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-7, 9-13, 19-20, 22, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boni (3665910) in view of Sharp ( 5133330 ).. Boni discloses the elements of claim 1, however it fails to clearly disclose the release mechanism (fig 1, 2:44-48). Sharp discloses a mechanical release mechanism (19). Various means for releasing pucks is well known in the art and not novel. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected the release mechanism of Sharp with the device of Boni in order to have a positive means to release the puck and insure no jams occurred. The specification provides no unanticipated or surprising results from discharging the puck in a downwardly fashion therefore this is considered a design choice. Also, the next puck in the puck que, does discharge in a downwardly fashion once the launched puck clears the que.

As to claim 6 : Boni discloses a stow assembly (fig 1). In as much structure set forth by the applicant, the device of Boni has a stow assembly.

As to claim 7 : See claim 1 rejection. Sharp discloses a pneumatic actuator (29). The use of pneumatic actuators is well known. It would have been obvious to one

of ordinary skill in the art to have selected any number of pneumatic actuators in order to more securely hold and release the puck.

As to claims 9 and 10: The release rate is determined by the speed that the operator chooses to operate the switch.

As to claim 11 : Boni discloses an adjustable feed chute (fig 2, item 40). The feed chute is adjustable as shown in fig 2 by its upper and lower positions.

As to claim 12 : The device of Sharp is considered to have a leveler and gripper member (fig 2).

As to claim 13 : See claim 1 and 12 rejection.

As to claim 19 : Boni discloses a stow assembly (fig 1). In as much structure set forth by the applicant, the device of Boni has a stow assembly.

As to claim 20 : Sharp discloses a pneumatic actuator (29). The use of pneumatic actuators is well known. It would have been obvious to one of ordinary skill in the art to have selected an any number of pneumatic actuators in order to more securely hold and release the puck.

As to claim 22 : Boni discloses an adjustable feed chute (fig 2, item 40). The feed chute is adjustable as shown in fig 2 by its upper and lower positions.

As to claim 23 : Boni discloses a power source (fig 4).

As to claim 26 : Boni discloses a plurality of pucks (22). The operator can time the release of the pucks.

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Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boni as applied to claim 13 above, and further in view of Official Notice. Official Notice was taken in the prior office action that the use of timers is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the a timer with the device of Boni in order to permit the device to operate automatically and reduce the number of players needed to operate the device.

Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boni and Sharp as applied above, and further in view of Kahelin (3838676). Kahelin discloses the use of a compressor (42). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the compressor of Kahelin with the device in order to permit the unit to be self contained and easily transported.

As to claim 25 : See claim 24. The addition of timers to the device would naturally permit them to be adjusted based on the skill and age of the player.

### ***Allowable Subject Matter***

Claims 32,33,4-5 and 16-18 are allowed.

### ***Response to Arguments***

Applicant's arguments filed 12/27/05 have been fully considered but they are not persuasive. The claim language still reads on the cited art. The inclusion of the

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language "downwardly release" still reads on the Boni art since the next puck in the stack of pucks are downwardly released when the puck is ejected.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is (571) 272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3665910\*5647338\*2996058\*6884186\*5846144\*4607  
842\*3876201\*3838677\*3665910\*5647338

Michael Chambers  
Examiner  
Art Unit 3711

February 14, 2006



EUGENE KIM  
SUPERVISORY PATENT EXAMINER